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Michael L. Kenaga
Piper Marbury Rudnick & Wolfe
PO Box 64807
Chicago, IL 60664-0807

In re Application of
DUGMORE, Peter Balfour
Application No.: 09/936,810
PCT No.: PCT/IB00/00287
Int. Filing Date: 17 March 2000
Priority Date: 17 March 1999
Attorney Docket No.: P-6284
For: A SAFETY ASSEMBLY FOR A
HYPODERMIC APPLICATOR SET

DECISION ON
PETITION
UNDER 37 CFR 1.181

This decision is in response to applicant's "Petition Under 37 CFR 1.181(a) Requesting Withdrawal of Holding of Abandonment," filed with the United States Patent and Trademark Office on 14 January 2003.

BACKGROUND

On 17 March 2000, applicant filed international application PCT/IB00/00287, claiming a priority date of 17 March 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 September 2000. A demand for international preliminary examination was filed 12 October 2000, prior to the expiration of nineteen months from the priority date. The deadline for entry into the national stage in the United States was thirty months from the priority date, 17 September 2001.

On 17 September 2001, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 01 November 2001, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 21 November 2002, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909).

On 14 January 2003, applicant filed the instant petition.

DISCUSSION

MPEP at section 503 states, in part:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

The 01 February 2002 postcard receipt lists, *inter alia*, the declaration. The postcard receipt is date stamped and indicates the applicants, the serial number and the title of the application.

The postcard receipt is adequate evidence the declaration was received on 01 February 2002.

The petition indicates that the letter and declaration are copies of those submitted on 01 February 2002 and the statement is signed by someone registered to practice before the office.

The fee for the late declaration will be charged to deposit account no. 18-2284, as authorized. A review of the declaration reveals that it is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment mailed 21 November 2002 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 U.S.C. §371 date is 01 February 2002.



Boris Milef
PCT Legal Examiner
PCT Legal Administration



Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 703-305-0455
Facsimile: 703-308-6459